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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

HERB SOSTEK, et al.,

Plaintiffs,

v.

SAN BERNARDINO COUNTY, et al.,

Defendants.

Case No. 5:23-cv-02236-MRA-MRW

**DECLARATION OF ERIC
VALENZUELA IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' EX-PARTE
APPLICATION TO MODIFY
SCHEDULING ORDER FOR
PURPOSE OF HEARING
DEFENDANTS' RENEWED
MOTION TO STAY**

DECLARATION OF ERIC VALENZUELA

I, Eric Valenzuela, hereby declare as follows:

1. I am an attorney licensed to practice law in the United States District Court for the Central District of California. I am one of the attorneys of record for Plaintiffs in the instant action. I make this declaration in support of Plaintiffs' Opposition to Defendants' ex parte application to modify scheduling order for purpose of hearing Defendants' renewed motion. I have personal knowledge of the matters stated herein and could and would testify competently thereto if called.

2. Attached hereto as “**Exhibit A**” is a true and correct copy of the email sent by the defense in which they identified (but did not produce) additional documents from the DOJ.

3. Attached hereto as “**Exhibit B**” is a true and correct copy of the sent by me yesterday afternoon at approximately 12:30 pm, in which I reached out to the defense to confirm that they never produced any additional DOJ documents as alleged in their ex parte application.

4. Attached hereto as “**Exhibit C**” is a true and correct copy of the email sent by the defense at approximately 6:00 pm, in which they confirm that they never produced any additional documents prior to filing their ex parte application and where they finally provide a dropbox link with some additional documents.

5. On September 18, 2024, Plaintiffs also took the deposition of Deputy Everman, who never fired his weapon during the incident, who witnessed the shooting and testified as to how the incident unfolded.

6. The Defense did not produce any additional DOJ documents prior to filing the instant ex parte application. Instead, there were some documents identified in an email sent by the defense.

7. The defense did provide some additional documents on November 21, 2024, at approximately 6:00 pm.

8. The additional DOJ documents produced last night by the defense consist of reports and images relating to electronical data extraction from the Decedent’s cell phone and tablet and some reports and images regarding what are called “FARO scans” which are 3D visual representations of the real world captured with laser scanners and other tools. The FARO scan images are almost identical to the scene photos previously produced early in the litigation and the only difference being that they are digitally recreated replicas of various scene photos.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

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4 DATED: November 22, 2024 THE LAW OFFICES OF DALE K. GALIPO

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6 By: /s/ Eric Valenzuela

7 Eric Valenzuela

8 Attorneys for Plaintiffs
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